



Town of Los Gatos

Parks and Public Works Department
Engineering Division
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February 29, 2008

Mr. Bruce Wolfe, Executive Director
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: Comments from the Town of Los Gatos on Municipal Regional Permit (MRP) Tentative Order (12/14/07)

Dear Mr. Wolfe,

Thank you for the opportunity to submit comments regarding the Water Board's Municipal Regional Permit (MRP) Tentative Order dated December 14, 2007. The Town of Los Gatos appreciates the steps taken by the Board to respond to our comments on the draft MRP. However, the Tentative Order still remains too drastic for a small town like Los Gatos to implement.

The following four comments address our concerns with revised MRP:

Comment 1: We are particularly concerned with proposed provision **C.3.b.i.(5)**, pertaining to the replacement of 10,000 sq. ft. or more of existing arterial street. Our small town has an extensive existing arterial network. 10,000 sq.ft., (a 100 ft. x 100 ft. area), isn't very big when you are reconstructing or replacing a 100 ft. long street. **We recommend a larger sq. ft. threshold of 50,000 sq. ft. coupled with the incorporation of BMPs**, such as installation of a hydrodynamic separator or a bioswale, to serve an area from one intersection to another during street replacement work.

Comment 2: The Town is very concerned with Provision **C.3.b.i.(1)** which will lower the land development limit of 10,000 sq. ft. threshold to 5,000 sq. ft. after the 3rd year of MRP adoption. This will be too large an undertaking for our agency to track. The timeline is not sufficient, as our municipality is still addressing capacity issues to meet the current permit requirements. We need additional time to increase our capacity to meet current permit requirements **and request that the requirement to reduce the threshold to 5000 sq. ft. be removed from this permit**, and be considered for a future permit once all municipalities are at same capacity levels in managing the "regulated" projects.

Comment 3: Provision C.2.f., regarding catch basin and storm drain inlet inspections, would take the West Valley Cities backwards from their goal to ensure a clean storm drain system. Requiring that “Permittees shall annually inspect, before the wet season, all catch basins or storm drain inlets, and clean them to remove sediment, trash, litter, and other pollutants...”, does not take into consideration a program that has successfully maintained clean systems on a biennial inspection/cleaning cycle. The West Valley Sanitation District uses a mapped system, numbered catch basins and inlets, and ongoing documentation that shows the amount and type of debris (if any) that was removed from each location upon inspection.

On the current 2-year inspection cycle, West Valley Cities have shown that, upon inspection, less than 35% of the structures have any debris or sediment to clean. Annually, at least 65% of the storm drain inlets or catch basins have not had any debris, sediment, gravel, litter or other pollutants in or around the structure. C.2.f. would require a 24-month task to be completed in four months (July to October); thereby necessitating three to four times the current number of staff to complete the work. The costs would be prohibitive without any benefit to water quality. This is clearly a waste of natural and municipal resources. We urge the Water Board to consider a less prescriptive method of attaining desired results. **Allow permittees with sufficient data to develop a plan that identifies select storm drain structures (those with any record of debris, sediment or trash) for annual or semi-annual inspection and cleaning based on the quantity and type of debris found.** Clean structures would remain on the biennial inspection and cleaning cycle. This would result in quantifiable benefits to water quality rather than wasted resources

Comment 4: Finally, Resources to conduct the current permit requirements, for staffing, technology and funding, are extremely limited. The **intent of the provisions does not consider the added costs to conduct such efforts**. Municipalities cannot simply increase fees or taxes to meet these goals. Current laws prevent the cities’ from increasing fees or taxes to cover additional stormwater expenses. Even though the permit does not address revenue, **funding and requirements should be addressed hand-in-hand**.

Again, please **consider a longer time frame, with multiple-year targets** to meet the various goals. We agree with the goals of watershed protection, but ***how and when it is feasible to implement the requirements is our concern***. Thank you again for allowing us to comment on the Tentative Order.

Sincerely,



Kevin Rohani, P.E.
Interim Director

KR/mgg

Cc: Dale Bowyer, RWQCB
Greg Larson, Town Manger
Bud Lortz, Community Development Director